

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

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UNITED STATES OF AMERICA

-v.-

10 CR 433 (KAM)

JONATHAN BRAUN,

DECLARATION

Defendant.
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ANJELICA CAPPELLINO says under penalty of perjury per 28
U.S.C. § 1746:

1. I am an attorney admitted to practice in this Court.
2. I graduated from New York Law School in 2011 and am associated with the firm Meringolo & Associates, P.C.
3. I represented Jonathan Braun at sentencing in the captioned case.
4. I submit this affidavit in support of Mr. Braun's motion to vacate his 10-year sentence based on ineffective assistance of counsel.
5. Prior to Mr. Braun's May 28, 2019 sentencing, I had limited involvement in the case and minimal knowledge of it. As such, I was unaware of the Aug. 2018 and April 2019 anonymous letters filed against Mr. Braun under seal with this Court.

6. My sole understanding of the case was that Mr. Braun had been [REDACTED] during which time certain allegations of criminal and civil misconduct were made against him. To my knowledge, the government had been notified of the allegations, requested more than one sentencing adjournment to investigate, and subsequently determined that they did not warrant consideration at sentencing. The government ultimately [REDACTED]
[REDACTED]

7. Mr. Braun's sentencing took place while John Meringolo, my boss and his lead counsel, was honeymooning in Europe. Saying the sentencing would be routine and uneventful – Mr. Braun [REDACTED]
[REDACTED] – Mr. Meringolo instructed me to handle it in his absence.

8. Mr. Meringolo never told me about the anonymous letters' existence or reviewed them with me. Nor did he discuss with me the letters' contents or a potential response. Again, I was only peripherally involved in Mr. Braun's case and had little substantive familiarity with it.

9. I first learned of the anonymous letters when the Court brought them up during Mr. Braun's sentencing hearing. Presuming their allegations were among those the government had examined and deemed unfounded, I never asked to see the anonymous letters, objected to their consideration or requested a continuance to inspect, investigate and address them. As a result, Mr. Braun was unable to contest the anonymous allegations and they went un rebutted.

WHEREFORE, for the reasons stated in the accompanying memorandum, I respectfully ask this Court to vacate the 10-year sentence previously imposed and sentence Mr. Braun anew.

Dated: Brooklyn, New York
Oct. 1, 2019



ANJELICA CAPPELLINO